

Conc'd.

preeclampsia accompanied or unaccompanied by preterm labor in a pregnant female mammal, dysmenorrhea, or functional uterine bleeding or hemorrhaging.

Add the following new claim:

C2 4434. A pharmaceutical composition comprising an admixture of (a) a progestin and (b) a nitric oxide synthesis substrate, a nitric oxide donor or both, and (c) at least one of a cyclooxygenase inhibitor, a PGI₂-mimetic, a thromboxane (TXA₂) inhibitor, a compound possessing PGI₂-mimetic activities, or a TXA₂ antagonist, in amounts effective to ameliorate the symptoms of preeclampsia or preterm labor in a pregnant female mammal; dysmenorrhea, or functional uterine bleeding or hemorrhaging, with proviso that the cyclooxygenase inhibitor is not aspirin. *AA*

REMARKS

Applicants respectfully traverse the rejection. The cited references do not disclose or suggest the claimed invention.

For example, U.S. Patent No. 4,855,142 ("Fankhauser") do not disclose a pharmaceutical composition comprising a progestin, and, a nitric oxide synthesis substrate or nitric oxide donor. Nowhere in Fankhauser's disclosure do they ever disclose or suggest that the two classes of compounds be combined in a pharmaceutical composition. On Column 4, lines 17 and 18, progesterone and nitroglycerin are disclosed as separate items, not as a combination. Similarly, in the table at Column 7, lines 40-55, progesterone and nitroglycerin are described as being in separate compositions. This is evident from the table's title "THE FOLLOWING SYSTEMS CONTAINING A PHARMACEUTICAL ACTIVE INGREDIENT ARE PREPARED IN ACCORDANCE WITH EXAMPLES 1 TO 5." [Emphasis added.] The title refers to more than one system ("SYSTEMS"), each having one active ingredient (In the context of the table, the reasonable interpretation of the term "a" is one (1) since the title refers to multiple systems and there is no teaching in the patent that the particular ingredients listed in the table be combined.) Thus, the skilled worker would understand that the table is a list of different pharmaceutical compositions. In

contrast, Fankhauser expressly describes mixtures of several active ingredients when referring to antiviral agents at Column 4, lines 11-13. Moreover, Fankhauser do not describe the claimed uses of the composition nor the effective amounts which are recited in the claims.

U.S. Patent No. 5,508,045 ("Harrison") do not disclose or suggest a composition for treating preeclampsia accompanied or unaccompanied by preterm labor, dysmenorrhea, or functional uterine bleeding or hemorrhaging, nor which amounts would be effective to treat such disorders, especially not to achieve the claimed blood levels (e.g., Claims 29-31).

Moreover, Harrison do not disclose or suggest a composition comprising a progestin, a nitric oxide synthesis substrate or donor, and a cyclooxygenase inhibitor, a PGI₂ mimetic, a TXA₂ inhibitor, a compound possessing PGI₂ agonistic and TXA₂ inhibiting properties, a compound possessing TXA₂ antagonistic and PGI₂ mimetic activities, or a TXA₂ antagonist. See, Claim 34. (Harrison disclose aspirin which is also cyclooxygenase inhibitor but they describe it as a prostaglandin inhibitor. Column 2, lines 16-17; Column 21, lines 54-58. Aspirin has therefore been proviso'ed out of Claim 34.)

In view of these comments, withdrawal of the rejection is respectfully requested.

Respectfully submitted,

By: 

Richard M. Lebovitz (Reg. No. 37,067)
Attorney for Applicants
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Blvd., Suite 1400
Arlington, VA 22201
Direct Dial: (703) 812-5317
Internet address: lebovitz@mwzb.com

Filed: December 2, 1999

RML(njr)\K:\PAT\Sch\1237 D1\response 12.02.99.wpd